

RECORD OF ORDINANCES

Ordinance No. 10-52-2021

Passed 10-5-, 20 21

AN ORDINANCE AUTHORIZING THE EMPLOYMENT OF THE FIRM OF GENE HOLLINS, LLC TO PROVIDE CERTAIN LEGAL SERVICES TO THE CIRCLEVILLE CHARTER COMMISSION IN THE DRAFTING OF A PROPOSED CHARTER FOR THE CITY OF CIRCLEVILLE AND DECLARING AN EMERGENCY.

WHEREAS, the electors of the City of Circleville have established a Charter Commission to draft a proposed charter for the City of Circleville: and

WHEREAS, to assist the Charter Commission in drafting a proposed charter for the City of Circleville it is necessary to employ the services of legal counsel with expertise in the drafting of city charters; and

WHEREAS, the law firm of Gene Hollins, LLC is able to provide the appropriate legal representation for the aforementioned purposes; and

WHEREAS, the employment of this firm is in the best interests of the citizens of the City of Circleville and the same ought to be done.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Circleville, Pickaway County, Ohio, as follows:

SECTION I. That the City hereby retains the firm of Gene Hollins, LLC to provide legal advice, recommendations, representation and other legal services to the Circleville Charter Commission in connection with the drafting of a proposed charter for the City of Circleville. In providing these legal services, as an independent contractor in an attorney/client relationship, this firm shall not exercise any administrative discretion in the formulation of public policy, expenditure of public funds, or the enforcement of laws, rules and regulations of the State or any political subdivision.

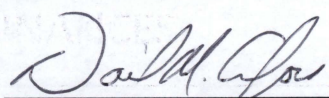
SECTION II. That the Mayor and the Law Director of the City of Circleville are hereby authorized and directed to enter into the engagement agreement attached hereto as Exhibit "A" with the law firm of Gene Hollins, LLC to provide the legal services set forth herein.

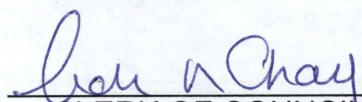
SECTION III. That the compensation to be paid to the law firm of Gene Hollins, LLC for all services provided by them in assisting the Circleville Charter Commission in drafting the proposed charter for the City of Circleville shall be based primarily upon the time expended hourly up to an amount not to exceed \$20,000.00 to be invoiced monthly and paid from General Fund 101, Account #101.0710.55055.

SECTION IV. That this council finds and determines that all formal actions of this council and any of its committees concerning and relating to the passage of this ordinance were taken in an open meeting of this council or committees, and that all deliberations of this council and any of its committees have resulted in those formal actions or in meetings open to the public, all in compliance with the law.

SECTION V. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, and safety of the City of Circleville, such emergency arising out of the immediate need to employ this firm without undue delay to insure the drafting of a proposed charger for the City of Circleville within the statutory time deadlines and to otherwise assist in providing legal advice to the Circleville Charter Commission, so that this ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: 10-5-2021
DATE


PRESIDENT OF COUNCIL

ATTEST: 
CLERK OF COUNCIL

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Ordinance No. 10-52- 2021 Passed 10-5- , 20 21

APPROVED: 10-6-2021
DATE

Deborah A. Nisley
MAYOR

APPROVED AS TO FORM:

Gary D. Kenworthy
GARY D. KENWORTHY, LAW DIRECTOR

REVIEWED BY LAW DIRECTOR
AND APPROVED AS TO FORM

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Ordinance No. _____ Passed _____, 20____

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LAW OFFICE OF GENE HOLLINS LLC
7 B N. STATE STREET
WESTERVILLE, OHIO 43081

Judicial
Counsel
10/5/2021
ord #
10/5/2021

September 16, 2021

VIA EMAIL TRANSMISSION

City of Circleville Charter Commission
c/o Tom Spring, Attorney at Law
Spring Law, LLC
238 E. Main St.
Circleville, Ohio 43113

RE: Legal Services/City of Circleville Charter Commission

Dear Tom:

I am pleased that you have asked the Law Office of Gene Hollins LLC (the "Firm") to serve as your counsel in this matter. This letter will confirm my discussions with you regarding the City of Circleville Charter Commission's engagement of the Firm and will describe the basis upon which the Firm will provide legal services to you. Accordingly, I submit for your approval the following provisions governing the engagement. If you agree, please sign this letter in the space provided below. If you have any questions about these provisions, do not hesitate to call. Again, I am pleased to have the opportunity to serve you.

Client; Scope of Representation. The client in this matter will be the City of Circleville Charter Commission ("you" or the "Client"). The Firm will be engaged to provide legal advice and services related to the preparation of a draft Charter and associated issues related to the ballot process for approval thereof. You may limit or expand the scope of the Firm's representation from time to time, provided that any substantial expansion must be agreed to by the Firm. While I would be interested in assisting you in other matters, unless the Firm is specifically engaged for some other future matter, this will confirm that the representation of you is limited to the foregoing matter and will end when it is concluded.

Fees. The Firm's attorney fees in this matter are based primarily upon the time expended on the engagement, including attorney travel time which is charged at regular hourly rates. My hourly rate is \$300. Invoices for legal services rendered and costs advanced or incurred are issued monthly and are payable upon receipt. From time to time, the Firm may enlist the services of E. Rod Davisson, Esq. as an independent contractor attorney to assist in the representation of the Client in this matter; to the extent Mr. Davisson assists the Firm, the Firm will pay the invoices from Mr. Davisson and bill the Client as a cash advance. The Firm acknowledges and agrees that the total legal fees, expenses and cash advances in this matter shall not exceed \$20,000 without further authorization from an authorized representative of the Client.

Consent to Future Conflicts. You are aware that the Firm represents or may represent other companies and individuals. Some may be direct competitors of yours or otherwise may have business or legal interests that are contrary to your interests. It is therefore possible that during the

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time I am working for you, an existing or future client may seek the Firm's assistance in connection with a transaction, pending or potential litigation, or another matter or proceeding in which such a client's interests are, or potentially may become, adverse to your interests. This can create situations where work for one client on a matter might preclude me from assisting other clients on unrelated matters.

To avoid the potential for this kind of restriction on my practice, I ask you to agree, and you hereby do agree, that the Firm may continue to represent, or may undertake in the future to represent, any existing or future client in any matter (including but not limited to transactions, litigation or other dispute resolution proceedings), even if the interests of that client in the other matter are directly adverse to the interests of the City of Circleville Charter Commission, as long as that other matter is not substantially related to this or the Firm's other engagements on behalf of City of Circleville Charter Commission. It is not intended that you waive your right to have the Firm maintain the confidentiality of client information obtained by the Firm in the course of representing you. Thus, if the Firm's representation of another client in a matter is directly adverse to you, the Firm will not work on the matter for such other client. You are hereby advised, and have had the opportunity, to consult with other counsel about this prospective waiver. You also understand and acknowledge that, in the course of the Firm's representation of other clients pursuant to this prospective waiver, I may obtain confidential information of interest to you that I cannot share with you.

I appreciate the opportunity to represent you. Please return a signed copy of this letter to me to confirm that these terms of my engagement are acceptable to you. The Firm's representation of you will commence upon your acceptance of the terms of this engagement. However, please note that your instructing me or continuing to instruct me on this matter will constitute your full acceptance of the terms set out above and attached.

I look forward very much to working with you on this matter.

Sincerely,

Eugene L. Hollins

Eugene L. Hollins

The foregoing is understood and accepted:

CITY OF CIRCLEVILLE CHARTER COMMISSION

By: _____

Print Name: _____

Print Title: _____

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